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REMARKS

The Examiner has again rejected applicant's claims, despite the significant amendments previously made thereto. While applicant respectfully disagrees with the Examiner's latest response to applicant's previous arguments, applicant has nevertheless incorporated the subject matter of already-considered dependent claims (Claims 34-38) into each of the independent claims, in the spirit of expediting the prosecution of this application and bringing closure to prosecution. It is further emphasized that the subject matter added to the independent claims previously existed in dependent claims which were already considered by the Examiner. Thus, no new search and/or consideration would be required.

The Examiner continues to reject Claims 1, 6-9, 11-14, 18-25, and 29-38 under 35 U.S.C. 103(a) as being unpatentable over Barroux (US Pat. No.: 5,923,850) in view of Ries et al. (US Pat. No.: 6,061,724). Applicant respectfully disagrees with this rejection, especially in view of the amendments made hereinabove.

In the latest response, the Examiner relies on the following excerpt from Barroux to meet applicant's claimed "agent being adapted to receive data from the policy orchestrator server and to enforce the policies corresponding to the resources." See this and similar language in all of the independent claims.

"In response to a request from task scheduler 302 or asset discovery system 212, SNMP probe system 214 generates a series of requests for MIB object values and sends them to SNMP agent 1802. SNMP agent 1802 retrieves the object value from a local MIB database 1804. SNMP agent 1802 then sends messages back to SNMP probe system 214 including the requested MIB object value. SNMP probe system 214 then extracts the information requested by task scheduler 302 or asset discovery system 212 and make it available for storage in assets database 232. SNMP probe system 214 thus contributes to the development of assets database 232 as a repository of information about current assets at the nodes of network 202 as well as historical information about these assets." (col. 18, lines 40-53)

The Examiner continues by arguing that "perform[ing] tasks such as retrieve and send messages corresponding to each of the devices in the network system to assist in performing

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network system's tasks. These steps are a form of enforcement corresponding to resources claimed." Applicant respectfully disagrees. Following is an exemplary definition of "enforce."

"enforce -

1. To compel observance of or obedience to: enforce a law.
2. To impose (a kind of behavior, for example): enforce military discipline.
3. To give force to; reinforce: "enforces its plea with a description of the pains of hell" (Albert C. Baugh)."

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As clearly set forth in the foregoing excerpt from Barroux, the purpose of the aforementioned messages is the development of an assets database as a repository of information about current assets at the nodes of network as well as historical information about these assets. This clearly does not meet applicant's claimed policy enforcement.

Even if the word "enforce" is erroneously given an overly broad definition by the Examiner, Barroux would still not meet the specific context in which applicant claims such enforcement, namely an "agent being adapted to receive data from the policy orchestrator server and to enforce the policies corresponding to the resources" (emphasis added).

Still yet, in the latest response, the Examiner makes numerous arguments regarding applicant's claimed "wherein the management console dynamically determines the policy of the selected node by reading the policies of nodes along a path of nodes from a root of the hierarchical tree structure to the selected node and wherein the management console overwrites previously written policies upon reading conflicting policies at each node along the path of nodes." See this and similar language in all of the independent claims.

First, the Examiner argues that "Barroux art uses tree architecture with nodes (devices). Hence when a network is searched, each of the nodes of a path along a tree where the desired device is, is read as claimed." In response, applicant respectfully asserts that the mere disclosure of "searching nodes" in no way meets the specificity of applicant's claimed "reading the policies of nodes along a path of nodes from a root of the hierarchical tree structure to the selected node"

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(emphasis added). To say otherwise, would require that the Examiner to not take into consideration the full weight of applicant's claims.

Next, the Examiner states that overwriting in the context of applicant's claims is "common practice." Since the Examiner has not made a prior art showing of such limitations, it appears that the Examiner has simply dismissed the same under Official Notice. Applicant thus formally requests a specific showing of the subject matter in ALL of the claims in any future action. Note excerpt from MPEP below.

"If the applicant traverses such an [Official Notice] assertion the examiner should cite a reference in support of his or her position."
See MPEP 2144.03.

Still yet, the Examiner further relies on the excerpt set forth below from Barroux to meet applicant's claimed "wherein the management console overwrites previously written policies upon reading conflicting policies at each node along the path of nodes."

"An apply button 620 writes the changes made in this window to administrative database 230. Activation of an exclusive dates window button 622 causes display of an exclusive dates window described with reference to FIG. 6B. Activation of an exclusive time window button 624 similarly causes display of an exclusive time window described with reference to FIG. 6C. Activation of a dismiss button 626 dismisses this window and all child windows opened from it. Activation of a help button 628 results in display of help information for window 600." (see col. 7, lines 32-41)

Such excerpt and the remaining Barroux reference, however, merely suggest dismissing windows. There is simply no teaching, disclosure or even suggestion of "overwriting" in the specific context of applicant's claimed "management console [that] overwrites previously written policies upon reading conflicting policies at each node along the path of nodes" (emphasis added). Only applicant teaches and claims such policy overwriting technique under such specific condition ("upon reading conflicting policies") and at such specific location ("at each node along the path of nodes").

The Examiner then asserts that, in light of the Examiner's arguments highlighted above, applicant's claimed traits are inherent. It thus appears that the Examiner has relied on an

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inherency argument regarding the above emphasized claim limitations. In view of the arguments made hereinabove, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific prior art showing of such claim features, in combination with the remaining claim elements is respectfully requested. (See MPEP 2112)

Finally, the Examiner has submitted arguments that Barroux suggests applicant's claimed "wherein each agent includes a task execution component for causing performance of a scheduled task at a scheduled time, a policy enforcement component for enforcing policies applicable to resources of the corresponding device, a property collection component for collecting and storing properties of the corresponding resources of the device and for transmitting the properties to the policy orchestrator server, and an event collection component for collecting and storing event data and for transmitting the event data to the policy orchestrator server."

Applicant respectfully disagrees. Whether or not Barroux may allegedly suggest similar functionality or not, there is simply no single "agent" with each of such specific combination of components, namely a task execution component, policy enforcement component, property collection component, and event collection component, as claimed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of applicant's claim limitations.

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Nevertheless, despite the foregoing paramount weaknesses in the Examiner's response and in the spirit of expediting the prosecution of the present application, applicant claims a combination of the subject matter of former Claims 34-38, in each of the independent claims:

"wherein a directory management display of the management console includes a scope pane, a selected node directory pane, and a details pane;

wherein the scope pane displays the hierarchical tree structure as populated by the management console;

wherein the scope pane includes a software tab and a directory tab for display of software and directory content in the scope pane;

wherein the selected node directory pane includes a policies tab, a properties tab, an events tab, and a tasks tab for display of policies, properties, events, and tasks in the selected node directory pane;

wherein, if a node is selected, the node is highlighted in the hierarchical tree structure in the scope pane and details of the hierarchical tree structure and software hierarchy for the selected node is displayed in the selected node directory pane."

In response to applicant's previous arguments regarding such limitations, the Examiner has relied primarily on the following excerpts from Barroux and Ries to make a prior art showing of the foregoing features.

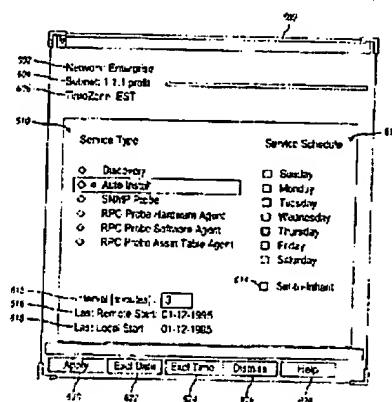


FIG. 6A

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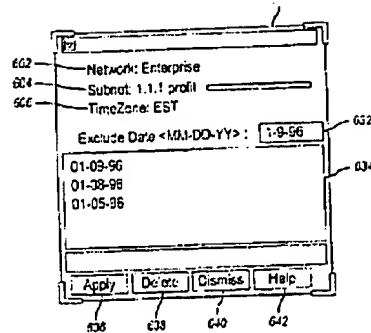


FIG. 6B

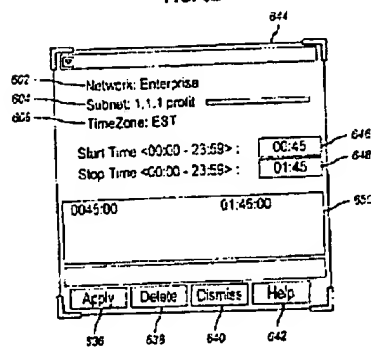


FIG. 6C

"The invention has now been explained with reference to specific embodiments. Other embodiments will be apparent to those of ordinary skill in the art in view of the foregoing description. It is therefore not intended that this invention be limited except as indicated by the appended claims and their full scope of equivalents." (col. 19, lines 54-60 from Barroux)

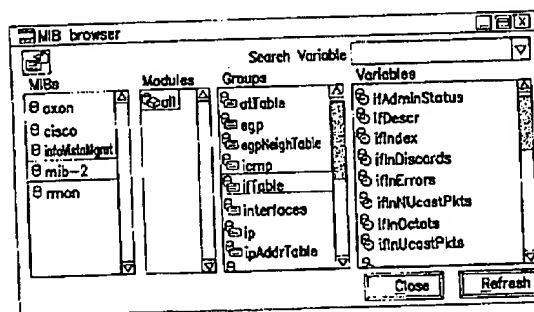


FIG. 8

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"The purpose of the present invention is to propose a modelling process for an information system in order to measure performance and monitor service quality within an information system, which can achieve this objective." (col. 2, lines 62-65 from Ries)

"According to the invention, the process further comprises rules defining inheritances between different Vistas, and different models of the information system can be defined from a same set of Vistas, via different rules." (col. 3, lines 13-16 from Ries)

The foregoing excerpts, however, merely suggest an interface for entering task schedule information (see Barroux), and a management information base (MIB) flat representation (see Ries). Moreover, the Examiner appears to be relying on boilerplate language in Barroux to extend the disclosure of such references. Applicant respectfully disagrees with this assertion.

Clearly, each of the details of former Claims 34-38 (now present in each of the independent claims), is not even suggested by the Examiner's proposed combination. Just by way of example, the following emphasized limitations are not found in Barroux or Ries, especially when taken in combination with the remaining claim elements:

"wherein a directory management display of the management console includes a scope pane, a selected node directory pane, and a details pane;

wherein the scope pane displays the hierarchical tree structure as populated by the management console;

wherein the scope pane includes a software tab and a directory tab for display of software and directory content in the scope pane;

wherein the selected node directory pane includes a policies tab, a properties tab, an events tab, and a tasks tab for display of policies, properties, events, and tasks in the selected node directory pane;

wherein, if a node is selected, the node is highlighted in the hierarchical tree structure in the scope pane and details of the hierarchical tree structure and software hierarchy for the selected node is displayed in the selected node directory pane."

Only applicant teaches and claims such a combination of features and components for providing an improved interface, in the context of the remaining claim limitations. Again,

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applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of applicant's claim limitations, in view of the above remarks. A notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Reconsideration is requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P272/00.139.01).

Respectfully submitted,

By: _____

Kevin J. Zilka

Reg. No. 41,429

Zilka-Kotab, PC
P.O. Box 721120
San Jose, California 95172-1120
Telephone: (408) 971-2573

Date: _____

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